

ORDINANCE NO. 89- 2

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, TO BE DESIGNATED AS THE  
PALM BEACH COUNTY ANIMAL REGULATION ORDINANCE OF  
1989; PROVIDING FOR DEFINITIONS; PROVIDING FOR  
FEMALES IN HEAT; PROVIDING FOR LEASH LAW - DOGS;  
PROVIDING FOR ANIMALS CREATING NUISANCE; PROVIDING  
FOR SCIENTIFIC EXPERIMENTATION; PROVIDING FOR  
INJURED ANIMALS, ACTION REQUIRED; PROVIDING FOR  
UNLAWFUL TO KEEP STRAY ANIMAL; PROVIDING FOR ANIMAL  
WASTE; PROVIDING FOR RABIES VACCINATIONS; PROVIDING  
FOR DOG AND CAT RABIES/LICENSE TAGS; PROVIDING FOR  
REDEMPTION AND ADOPTION; PROVIDING FOR ADOPTION  
FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND  
CATS; PROVIDING FOR RECORDS; PROVIDING FOR HUMANE  
EDUCATION; PROVIDING FOR ANIMAL BITE INVESTIGATIONS  
AND QUARANTINING; PROVIDING FOR PLACEMENT AND  
IMPOUNDMENT OF HONEYBEE HIVES; PROVIDING FOR GUARD  
DOGS; PROVIDING FOR EVICTIONS, JAIL TERMS,  
COMMUNITY SERVICE ADJUDICATIONS, AND OTHER  
INVOLUNTARY OCCURRENCES, EFFECT ON ANIMALS;  
PROVIDING FOR DISPOSAL OF BODIES OF DEAD ANIMALS;  
PROVIDING FOR FENCES AND LIVESTOCK AT LARGE;  
PROVIDING FOR KENNEL, PET SHOP, STABLE AND  
COMMERCIAL PASTURE PERMITS; PROVIDING FOR ANIMAL  
CARE/MANNER OF KEEPING; PROVIDING FOR TRANSPORTING  
ANIMALS; PROVIDING FOR POTENTIALLY DANGEROUS DOG,  
DANGEROUS DOG, VICIOUS DOG; PROVIDING FOR ANIMAL  
REGULATION APPEALS BOARD; PROVIDING FOR  
INTERFERENCE WITH ENFORCEMENT; PROVIDING FOR  
VIOLATIONS; CIVIL INFRACTIONS; CIVIL PENALTIES;  
PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR  
APPLICABILITY; PROVIDING FOR REPEALING LAWS IN  
CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING  
FOR EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of  
County Commissioners of Palm Beach County to provide and maintain for the  
citizens of said county standards which insure their health, welfare and  
well being; and

WHEREAS, the Board of County Commissioners of Palm Beach County  
recognizes that the public health and safety of the residents of the  
county will best be served by enacting animal control legislation; and

WHEREAS, effective animal control includes the licensing of certain  
animals, impoundment of strays, operation of an animal control center,  
disposition and adoption of animals, prohibiting certain acts contrary to  
the public health and general welfare, administration of rabies  
vaccination programs, animal birth control, and protection of animals  
against cruelty.

NOW, THEREFORE, be it ordained by the Board of County Commissioners  
of Palm Beach County, Florida:



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1        SECTION 1. TITLE:

2        This Ordinance shall be designated and may be cited as the "Palm  
3 Beach County Animal Regulation Ordinance of 1989."

4        SECTION 2. DEFINITIONS:

5        For the purposes of this ordinance the following terms, phrases,  
6 words, and their derivations shall have the meaning given herein. When  
7 not inconsistent with the context, words used in the present tense  
8 include the future, words in the plural number includes the singular  
9 number, words in the singular number include the plural number, and the  
10 use of any gender shall be applicable to all genders whenever the sense  
11 requires. The words "shall" and "will" are mandatory and the word "may"  
12 is permissive. Words not defined shall be given their common and  
13 ordinary meaning.

14        "Animal" shall mean every living dumb creature both domestic and  
15 wild.

16        "Animal Regulation Division" shall mean the Division of Animal Care  
17 and Control.

18        "Animal Regulation Officer" shall mean any person employed by Palm  
19 Beach County who is authorized to implement and enforce Palm Beach County  
20 Animal Regulation Ordinances and applicable state laws.

21        "Commercial" shall mean any business, occupation, or profession  
22 conducted where profit is a primary aim and for which an occupational  
23 license is required by Palm Beach County ordinance or other law of the  
24 State of Florida or Palm Beach County.

25        "Commercial Pasture" shall mean any land provided for the  
26 commercial feeding or grazing of livestock.

27        "Direct Control" - shall mean immediate and continuous physical  
28 control of an animal [excluding herding dogs, dogs in the process of  
29 hunting, police dogs, dogs participating in a registered field trial,  
30 obedience trial, and confirmation show and/or match] at all times such as  
31 by means of a fence, leash, cord, or chain of sufficient strength to  
32 restrain said animal. When an animal is specifically trained to  
33 immediately respond to oral or visual commands, direct control shall  
34 include oral or visual control if the controlling person is at all times  
35 clearly and fully within unobstructed sight and hearing of the animal,



1 but in no case to exceed one hundred (100) feet. Said oral control shall  
2 at all times prevent the animal from running at large or otherwise  
3 violating the provisions of this ordinance.

4 "Guard Dog" shall mean any type of dog used primarily for the  
5 purpose of defending, patrolling or protecting property or life at any  
6 commercial establishment. The term "Guard Dog" shall exclude any stock  
7 dogs used primarily for handling and controlling livestock or farm  
8 animals.

9 "Guide Dog" shall mean a properly trained dog certified by a  
10 licensed seeing eye or hearing ear dog agency and actually being used by  
11 a visually or hearing impaired person.

12 "Hobby Breeder" shall mean any person who owns or breeds purebred  
13 dogs or pedigreed cats primarily for personal recreational use. Personal  
14 recreational use may include participation in recognized conformation  
15 shows, hunting, field or obedience trials, racing, coursing, scenting,  
16 specialized hunting, working or water trials, and may include improving  
17 the physical soundness, temperament, and conformation of a given breed to  
18 standard or for the purpose of guarding or protecting the  
19 owner's property.

20 "Kennel" shall mean any place of business at which dogs or cats  
21 are kept for sale, breeding, boarding, training, treatment, or grooming  
22 purposes.

23 "Livestock" shall include all animals of the equine, bovine or  
24 swine class and includes goats, sheep, mules, horses, hogs or cattle and  
25 domesticated poultry.

26 "Owner" shall mean any person who owns, keeps, harbors, or controls  
27 an animal.

28 "Person" shall mean any natural person, individual, society, firm,  
29 corporation, partnership, association or other legal entity, any public  
30 or private institution, municipal corporation, unit of local government  
31 or any other business unit and every officer, agent, or employee thereof.  
32 If the person is a minor as defined by statute, said minor's parent(s) or  
33 legal guardian shall be the owner for the purposes of this ordinance.



1       "Pet Shop" shall be held to include any place or premise at which  
2 the primary purpose is the keeping of pet animals, exclusive of those  
3 animals regulated and controlled by the State of Florida Fresh Water Fish  
4 and Game Commission, for retail or wholesale purchase.

5       "Police Work Dog" shall mean any dog owned by any state, county or  
6 municipal Police Department or any state or federal law enforcement  
7 agency which has been trained to aid law enforcement officers and is  
8 actually being used for police work purposes.

9       "Premises" shall mean any parcel of land and the structures  
10 thereon.

11       "Public Road" shall mean any streets, sidewalk, alley, highway, or  
12 other way open to travel by the public including right-of-way, bridges  
13 and tunnels.

14       "Quarantine" shall mean the strict confinement, isolation and  
15 observation of an animal suspected of rabies.

16       "Stable" - shall be held to include those premises at which horses  
17 or equines are kept commercially for boarding, riding, breeding,  
18 training, or resale purposes.

19       "Sterilization" shall mean dogs and cats rendered permanently  
20 incapable of reproduction by surgical alteration, implantation of a  
21 device, or other physical means, or permanently incapable of reproduction  
22 because of physiological sterility, but only where the neutered or spayed  
23 condition has been certified by a veterinarian licensed in any state.

24       SECTION 3. FEMALES IN HEAT:

25       The owner or keeper of a female dog or cat in heat (estrus) shall  
26 humanely confine such dog or cat in a building or secure enclosure so as  
27 to make it inaccessible to any male dog or cat, except for controlled and  
28 intentional breeding purposes.

29       SECTION 4. LEASH LAW - DOGS:

30       A. It shall be unlawful for any dog to be off the owner's  
31 property unless the dog is under the restraint or control of a person by  
32 means of a chain, leash or other device or is sufficiently near his  
33 handler to be under his direct control and is obedient to that handler's  
34 commands or is caged/crated.



1           B.     It shall be unlawful for the owner of any dog to tie, chain,  
2 or tether a dog on the owner's property in such a manner that the dog has  
3 access to public property or the property of another without the consent  
4 of the owner of such property.

5 SECTION 5. ANIMALS CREATING NUISANCE:

6           A.     The owner having control or custody of any dog or cat which

7                1)   habitually barks, whines, howls or causes other  
8 objectionable noise resulting in a serious annoyance to a neighboring  
9 resident, shall be deemed to be committing an act in violation of this  
10 section; or

11               2)   disturbs the peace by habitually or repeatedly  
12 destroying, desecrating or soiling public or private property, chasing of  
13 persons, livestock, cars, or other vehicles, running at large, or other  
14 behavior that interferes with the reasonable use and enjoyment of said  
15 property, shall be deemed to be committing an act in violation of this  
16 section.

17           B.     An Animal Regulation Officer shall investigate an alleged  
18 violation of this section upon the receipt of two (2) sworn affidavits of  
19 complaint provided by Animal Regulation signed by two (2) unrelated Palm  
20 Beach County residents living in separate dwellings in the close vicinity  
21 of the alleged violation. Said affidavit shall specify the address or  
22 location of the alleged violation, the nature, time and date(s) of the  
23 act, the name and address of the owner or custodian, if known, and a  
24 description of the animal, if known.

25           C.     An Animal Regulation Officer upon the receipt of two sworn  
26 affidavits of complaint as provided for in Paragraph (B), may issue a  
27 citation to the owner or custodian of any animal alleged to be in  
28 violation of this section.

29           D.     It is declared by the Board of County Commissioners of Palm  
30 Beach County that animals which bite, attack or threaten to bite human  
31 beings constitute a public nuisance.

32                1.   Any animal which has bitten, attacked or threatened to  
33 bite or attack a human being while off the property of the owner and is  
34 found by the Palm Beach County Animal Regulation Division, may be  
35 impounded by the Animal Regulation Division unless the animal is under



1 the control of its owner or confined in a humane manner within a secure  
2 building or enclosure unable to come into contact with any person(s).

3 2. Any owner of any animal impounded pursuant to Subsection  
4 D.1 of this section shall be notified by the Palm Beach County Animal  
5 Regulation Division at the earliest possible time and the impounded  
6 animal shall be released to the owner upon the owner's request.

7 3. Any costs incurred by the Palm Beach County Animal  
8 Regulation Division related to any animal impoundment pursuant to this  
9 section shall be reimbursed to the Palm Beach County Animal Regulation  
10 Division prior to its release of the impounded animal.

11 4. The owner of any animal impounded pursuant to Subsection  
12 D.1 shall be mailed notice of said impoundment by certified mail or  
13 notified by personal service by an Animal Regulation Officer before the  
14 end of the following business day of the impoundment, unless the owner  
15 has claimed the impounded animal.

16 5. If the address of the owner of any animal impounded  
17 pursuant to Subsection D.1 of this section is unknown to the Palm Beach  
18 County Animal Regulation Division, or the addressee of a certified letter  
19 mailed pursuant to Subsection D.4 of this section fails to claim an  
20 impounded animal within five (5) days of the mailing of said certified  
21 letter, or receipt of personal service, the Palm Beach County Animal  
22 Regulation Division shall cause notice of said animal's impoundment to be  
23 published in a newspaper of general circulation within Palm Beach County  
24 informing any concerned person of the impoundment once, between six (6)  
25 and fifteen (15) days of said impoundment.

26 6. If an animal impounded pursuant to a Subsection D.1 of  
27 this section is not claimed within twenty-one (21) days from the  
28 impoundment, the impounded animal may be disposed of in a manner  
29 according to law.

30 SECTION 6. SCIENTIFIC EXPERIMENTATION:

31 A. It shall be unlawful for any person, firm, organization or  
32 corporation to deliver, sell, offer or give any animal to any person,  
33 firm, organization or corporation for scientific experimentation which  
34 involves any cruel or inhumane treatment.



1           B.     It shall be unlawful for the Palm Beach County Animal  
2 Regulation Division to deliver, sell, offer, or give any live animal to  
3 any person, firm, organization or corporation for scientific  
4 experimentation.

5           SECTION 7. INJURED ANIMALS, ACTION REQUIRED:

6           It shall be unlawful for any person injuring any animal by any  
7 means, to fail to notify immediately the owner of said animal, the Animal  
8 Regulation Division, or the appropriate Police Department, if in an  
9 incorporated municipality, or the Sheriff's Office, if in an  
10 unincorporated area.

11          SECTION 8. UNLAWFUL TO KEEP STRAY ANIMAL:

12          It shall be unlawful for any person in the County to harbor, feed,  
13 and/or keep any stray animal unless he has notified the Animal Regulation  
14 Division within twenty-four (24) hours from the time such animal came  
15 into his possession. Upon receiving such notice, an Animal Regulation  
16 Officer may take such animal and place it in the animal shelter. It  
17 shall be unlawful for any person to refuse to surrender any such stray  
18 animal to an authorized representative of the Animal Regulation Division  
19 upon demand of such representative.

20          SECTION 9. ANIMAL WASTE:

21          The owner of every dog and cat shall be responsible for the removal  
22 of any feces deposited by his animal on public property, public walks,  
23 recreation areas, or private property of others.

24          SECTION 10. RABIES VACCINATIONS:

25          A.     Every person who is the owner of any dog or cat over the age  
26 of four months within the County, shall have such animal vaccinated  
27 against rabies with a vaccine approved by the United States Department of  
28 Agriculture. The duration of the vaccination shall be according to the  
29 approved label accompanying the vaccine as it applies to the particular  
30 species and age of the dog or cat.

31          This section of the ordinance shall be reviewed by the Animal  
32 Regulation Division three (3) years from the effective date of this  
33 ordinance in order to ascertain the effectiveness of such a vaccine  
34 program. A report setting forth the Animal Regulation Division's  
35 findings and conclusions shall be submitted to the Board of County



1           3.    The permit holder or any of his agents have been  
2                    convicted of a violation of law involving the  
3                    mistreatment of animals; or

4           4.    The permit holder refuses to allow the inspection of  
5                    his premises pursuant to Section I of this Ordinance.

6           L.    When a kennel, pet shop, stable or commercial pasture permit  
7                    has been denied, revoked or suspended, the establishment shall be  
8                    required to humanely dispose of all affected animals within ten (10)  
9                    days. If after ten (10) days the animals have not been humanely disposed  
10                  of, then the Animal Regulation Division may seize and impound any animal  
11                  found to be housed or kept in violation of this section and/or the rules  
12                  and regulations promulgated by the Board of County Commissioners. Such  
13                  animals may be sold or humanely disposed of at the discretion of the  
14                  Animal Regulation Division. The expense of harboring and treating such  
15                  animals shall be the responsibility of the permit holder. No part of the  
16                  permit fee shall be refunded.

17           M.    Any person having been denied a permit upon initial  
18                    application may not reapply for a period of thirty (30) days. Each  
19                    reapplication shall be accompanied by a fee to be established by the  
20                    Board of County Commissioners by Resolution.

21           N.    Any person whose permit has been revoked, may not reapply for  
22                    a period of one year. Each reapplication shall be accompanied by a fee  
23                    to be established by the Board of County Commissioners by Resolution.

24           SECTION 24. ANIMAL CARE/MANNER OF KEEPING:

25           A.    It shall be unlawful for any person keeping an animal to fail  
26                    to provide for that animal:

- 27                    1)   Clean, sanitary, and humane conditions;
- 28                    2)   Sufficient quantities of food and fresh water daily;
- 29                    3)   Proper air ventilation and circulation;
- 30                    4)   Sufficient shelter and protection from the elements  
31                        and environment;
- 32                    5)   Medical attention and/or necessary veterinary care when  
33                        it is sick, diseased or injured; and
- 34                    6)   Inoculations against diseases infectious to humans or  
35                        animals.



1 D. The Board of County Commissioners shall make reasonable rules  
2 and regulations for operational procedures of the Animal Regulation  
3 Appeals Board.

4 SECTION 29. INTERFERENCE WITH ENFORCEMENT:

5 A. It shall be unlawful for any person to knowingly hinder,  
6 resist or oppose any officer or employee of the Animal Regulation  
7 Division in the performance of his/her duties.

8 B. It shall be unlawful for any person to knowingly interfere  
9 with or damage any humane animal trap owned by the Animal Regulation  
10 Division or to molest or release any animal caught therein.

11 SECTION 30. VIOLATIONS; CIVIL INFRACTIONS; CIVIL PENALTIES:

12 A. Any violation of this ordinance is a civil infraction.

13 B. Any person who has committed an act in violation of this  
14 ordinance shall receive a citation from the Animal Regulation Division by  
15 an Animal Regulation officer or law enforcement officer who has probable  
16 cause to believe that the person has committed a civil infraction in  
17 violation of this ordinance.

18 C. The County Court shall have jurisdiction over all violations  
19 of this ordinance.

20 D. The County Clerk shall:

21 a. Accept designated fines and issue receipts therefor.  
22 b. Provide a uniform citation serially numbered for  
23 notifying alleged violators to appear and answer to charges of violation  
24 of this ordinance. Such citation forms shall be issued to and receipted  
25 by the Animal Regulation Division.

26 E. Violation of any provision of this ordinance shall be  
27 punishable by a fine not to exceed \$500.00. Any person who has violated  
28 any provision of this ordinance shall be fined an amount as established  
29 by the Board of County Commissioners by Resolution.

30 F. Any person issued an Animal Regulation Citation shall be  
31 deemed to be charged with a civil violation and shall comply with the  
32 directives on said citation.

33 G. Payment shall be made, either by mail or in person, to the  
34 Violations Bureau within the time specified on the citation. If a person  
35 follows this procedure, he shall be deemed to have admitted the



1 infraction and to have waived his right to a hearing on the issue of  
2 commission of the infraction.

3 H. All fines collected as a result of said citations shall be  
4 paid into the County Treasury and deposited in the Fine and Forfeiture  
5 Fund.

6 I. Any person who fails to make payment within the specified  
7 period shall be deemed to have waived his or her right to pay the civil  
8 penalty as set forth in the citation.

9 J. Any person who elects to appear before the court to contest  
10 the citation shall be deemed to have waived his or her right to pay the  
11 civil penalty. The court, after a hearing, shall make a determination as  
12 to whether a violation has occurred and may impose a civil penalty not to  
13 exceed \$500.00 plus court costs.

14 K. If a person fails to pay the civil penalty, or fails to  
15 appear in court to contest the citation, he shall be deemed to have  
16 waived his right to contest the citation and that, in such case, a  
17 default judgment may be entered and the judge shall impose a fine at that  
18 time. An Order to Show Cause may be issued. If the fine is paid, the  
19 case shall be dismissed. If the fine is not paid, judgment may be  
20 entered up to the maximum civil penalty.

21 L. Any person cited for an infraction under this ordinance shall  
22 sign and accept said citation indicating a promise to pay the fine or  
23 appear in court. Any person who willfully refuses to sign and accept a  
24 citation issued by an officer shall be guilty of a misdemeanor of the  
25 second degree, punishable as provided by §775.082, §775.083, and  
26 §775.084, Florida Statutes.

27 SECTION 31. INCLUSION IN CODE:

28 It is the intention of the Board of County Commissioners, and it is  
29 hereby ordained, that the provisions of this ordinance shall become and  
30 be made a part of the Code of Laws and Ordinances of Palm Beach County,  
31 Florida; and that the Sections of this ordinance may be renumbered or  
32 relettered to accomplish such intention; and that the word "Ordinance"  
33 may be changed to "Section," "Article," or other appropriate word.



SECTION 32. APPLICABILITY:

It is hereby provided that this ordinance shall constitute a uniform law applicable in all the unincorporated and the incorporated areas of Palm Beach County, Florida.

SECTION 33. REPEALING LAWS IN CONFLICT :

All special laws, except Chapter 69-1432, Laws of Florida, not in conflict with this ordinance, applying to and within the County and general laws applying only to this County, in conflict with any provision of this ordinance are, hereby repealed.

SECTION 34. SEVERABILITY:

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

## SECTION 35. EFFECTIVE DATE:

Provisions of this ordinance shall be effective on May 1, 1989.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By:

Chair FEB 21 1989

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:

County Attorney.

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

BY

DEPUTY CLERK

Acknowledgement by the Department of State of the State of Florida,  
on this, the 3rd day of March, 19 89.

Acknowledgement from the Department of State received on the  
10th day of March, 1989, at 12:11 P.M., and  
 filed in the Office of the Clerk of the Board of County Commissioners  
 of Palm Beach County, Florida.

STATE OF FLORIDA COUNTY OF PALM BEACH  
I, JOHN B. DUNN, Clerk of the  
Board of County Commissioners, do hereby certify that  
the within and foregoing is a true and correct copy of the  
minutes of the Board of County Commissioners as the same were read  
at my office on 2/21/89  
DATED at West Palm Beach, Florida, this 3/16/89 day of March 1989.  
JOHN B. DUNN, Clerk  
By: [Signature] Deputy Clerk